

**Testimony
of
Warren M. Lee
Director of Watersheds and Wetlands
Natural Resources Conservation Service
Department of Agriculture**

California Floods of January, 1997

**Before the
Water Resources and Environment Subcommittee
of the Committee on Transportation and Infrastructure
United States House of Representatives**

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MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

Thank you for the opportunity to discuss the affect of the New Year's Day floods in California.

Starting on New Year's Day, an extended, warm rain in California caused damage which resulted in 48 California counties being declared federal disaster areas. Damage to agriculture in California is estimated in excess of \$245 million. Of this, \$124 million is damage to agricultural infrastructure, such as land, private levees, farm equipment, buildings, and irrigation systems. Fifty-nine thousand acres of crops have been lost, and another 95,000 acres have been damaged, a loss totaling \$90 million. Crops suffering the highest loss include: walnuts, \$16.8 million; nursery products, \$16 million; alfalfa, \$15 million; wine grapes, \$13.8 million; wheat, \$8.1 million; plums and prunes, \$6.1 million; and peaches, \$5.8 million. Livestock and dairy losses are \$16.5 million. Other crops may also experience reduced yields and reduced quality.

Many of the flooded areas are still flooded, as water has become impounded behind the levees. If these areas are not dried by the time the trees bud, the trees themselves may be lost, causing a much longer-term and more expensive loss. Most of the orchards which remain threatened are used to produce walnuts, peaches, apricots, apples, olives, plums,

prunes, almonds, and pistachios, and vineyards which produce wine grapes. If it is necessary to replace these trees and vines, most varieties will take from 7 to 10 years to begin producing.

The NRCS in California has received over 100 requests for assistance to address flooding problems in streams, tributaries, and smaller rivers that have been impaired as a result of the floods. Two point one million dollars of existing EWP funding to cover those projects that pose an immediate threat to life or property. However, many officials are concerned about the importance of an appropriate level of protection in all California waterways being restored by November 1, 1997, the projected beginning the next rainy season.

Using existing funding, in the Deer Creek area of Butte County, an EWP project was installed to protect the town of Vina from additional flooding this season. This effort protected approximately 125 homes. In Napa County, emergency work on the Napa River levee prevented flooding in the town of Yountville. Other projects have been quickly installed to protect homes, public utilities, businesses, and agricultural infrastructure from imminent danger. In each of these projects, NRCS has the support of a local sponsor that provides 25 percent of the cost of the projects. Additionally, we work closely with the local people to make sure that these projects are socially, economically, and environmentally appropriate for their community.

In addition to EWP assistance, we provide technical assistance for the Emergency Conservation Program (ECP) administered by the Farm Service Agency (FSA). ECP is available to address damages on cropland by removing debris and sediment, and restoring cropland to its pre-flood productivity. In 20 California counties, USDA has received a substantial number of requests for ECP assistance.

For both EWP and ECP, the Administration is working with affected agencies to determine the damage needs, the existing resources that can meet them, and any need for

emergency supplemental funds. The Administration will send to Congress a detailed supplemental request.

The lessons of the Midwest floods of 1993 were hard-won. The Administration's floodplain strategy goals are to share responsibility for floodplain management at all levels of government; to act sequentially to avoid, minimize, and mitigate flood and floodplain damage; and to organize better government response to floods and floodplain needs. As a result, in a February 18th memo to agencies, the Director of OMB and the Chair of CEQ issued guidance on floodplain management and procedures for evaluation and review of levee repair and associated restoration projects. Rebuilding and recovery is now viewed within the longer-term context of floodplain management, to permit landowners and communities new rebuilding choices so that they can use the lessons learned from the flood and applying those lessons in deciding on rebuilding decisions.

NRCS is implementing this new strategy reflecting the government's interest in being efficient, fair, and responsive. To ensure that we have the best solutions for each project, the federal agencies are working closely together and with local communities to examine each proposed project to determine the most appropriate long-term solution. For some projects, repairing broken levees is the best solution; but for others, especially where damages occur year after year, the best solution may be to remove or set back the levees and allow the river to expand naturally during flood events.

The Federal Agricultural Improvement and Reform Act of 1996 (the 1996 Act) gave the Secretary of Agriculture the authority to purchase flood plain easements under the EWP program. This new authority provides an opportunity to purchase easements when the long-term economic, social, and environmental benefits of purchasing the easement are greater than the cost of repeated repairs to the same land. Where willing sellers are available, retirement of this land provides a more permanent solution from damages associated with flooding or products of erosion. The landowner receives fair value for the property depending on the easement restrictions and an opportunity to enhance the

environmental functions if a riparian corridor is created. This authority gives us the flexibility to provide long-term, common sense, environmentally responsible flood protection.

A particular area of concern in California are rivers where private levees have failed and no Federal agency has authority to repair the levees. Along the Cosumnes River in Sacramento County, where approximately 21 breaks in 25 miles of private levees have occurred, landowners have asked NRCS and the U.S. Army Corps of Engineers for assistance. The river has a drainage area that exceeds 400 square miles which, under certain circumstances, is large enough to qualify for Federal assistance, in this case from the Corps of Engineers. However, it is Administration's policy that levee projects not maintained under the Corps program are ineligible for emergency repair assistance. The Administration adopted this policy to encourage levee districts and owners to keep levees maintained and properly functioning. We believe this to be both good government and sound policy for the taxpayer.

Some landowners have expressed an interest in utilizing non-structural alternatives, such as setback levees and floodplain easements, as alternatives to repairing the damaged levees. Easements may allow uses such as wetland restoration and the establishment of wildlife habitat and, where appropriate, the production of low-risk agricultural crops in the flood plain area.

In a report to the Governor, the Flood Emergency Action Team recommended that Cal-Fed, as part of its planning process, use funds from Proposition 204 and from the Central Valley Project Improvement Act for dual purpose projects which incorporate both flood control and habitat restoration. In addition, The Nature Conservancy has indicated that they have some property, and are pursuing offers to purchase additional property in the Cosumnes corridor, and are interested in providing partnership funding if NRCS and other agencies are able to work out non-structural alternatives in this area. Coupled with funds available through the Wetland Reserve Program (WRP) or for flood plain easements under

EWP, California's farmers and floodplain managers and NRCS will be able to achieve a long-term, environmentally responsible solution to the flooding that frequently occurs in these areas.

In the San Joaquin River system, major breaks have occurred along the levees, especially at the lower end. In this area, which is adjacent to the existing U.S. Fish and Wildlife Service's San Luis National Wildlife Refuge, several landowners have indicated a willingness to sell easements to their land for the purpose of restoring wetlands that will also provide flood protection. This proposal, if successfully executed, would result in the official abandonment of miles of levees providing non-essential flood control protection, many of which were seriously damaged by the 1997 flood. There should also be reduced need to expend Federal Emergency Management Agency (FEMA) funds to compensate the flood-affected landowners or for the State to continue the costly levee maintenance programs.

If these lands are restored to wetland condition, the areas would be designed to absorb major flood events with little or no harmful effects. Much of the land would incorporate natural flood flows to stimulate the production of native trees and shrubs, thus benefiting a wide diversity of neo-tropical migratory birds, plus the state-listed endangered riparian brush rabbit and the yellow-billed cuckoo. The historic, and currently drained, White Lake bottom would be restored, creating habitat for wood ducks, mallards, herons, egrets, and the federally-listed threatened Aleutian Canada goose. In all, willing sellers in the area are offering over 3,000 acres of land for easements. These areas could be added to the existing refuge to enhance a high quality environmental reserve.

In summary, NRCS responded immediately to the most critical problems using available resources. Many eligible projects remain to be repaired. The floods of 1997 offer California a unique opportunity to address long-term flooding problems in a manner that will consider the preferences of local people, the best uses of the land, and the safest protection for California communities. To take advantage of this opportunity, we need to

move quickly to use the new authorities and establish long-term solutions before the next flood season begins. We are pleased to report that all the federal and state agencies with flood recovery authority are working together in earnest to ensure that this happens.